

Mr. Katz - Direct - Mr. Tokayer

1 at Citi Field on Fridays and Saturdays?

2 A. No.

3 Q. Did any representative of Aramark tell you in 2010
4 that Aramark would not let Kosher Sports operate at Citi
5 Field on Fridays and Saturdays?

6 A. No.

7 Q. Prior to April 6th of 2011, did any representative of
8 Aramark tell you that they would not let you operate at
9 Citi Field on Fridays and Saturdays?

10 MR. MEHLMAN: Excuse me, what date? I didn't
11 hear.

12 Q. April 6th of 2011.

13 A. Before April 6th?

14 Q. Yes.

15 A. No.

16 Q. And did you meet with Rich Johns of -- Rich Grey of
17 Aramark in January of 2011?

18 A. Yes.

19 Q. Who was Rich Grey?

20 A. Rich Grey is the division manager of concessions for
21 Aramark at Citi Field.

22 Q. What kind of a meeting was that scheduled to be?

23 A. An operational meeting.

24 Q. And did you discuss Friday and Saturday sales with
25 Mr. Grey at that time?

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1 A. Yes.

2 Q. What did he say?

3 A. One thing he said was it was important for the Mets
4 to give Aramark their decision and give it to them very
5 quickly.

6 Q. And after the meeting did any representative of
7 Aramark tell you that they would not let Kosher Sports
8 operate at Citi Field on Fridays and Saturdays?

9 A. Yes.

10 Q. When for the first time?

11 A. April 6th, 2011.

12 Q. Who told you?

13 A. Scott Kleckner.

14 Q. And what did he say?

15 A. He said he was not going to let us sell on that
16 Friday, April 8th, and that Saturday, April 9th, because
17 he did not have enough notice or words to that effect.

18 Q. Had you given Aramark notice of Kosher Sports' intent
19 to operate on Fridays and Saturdays?

20 A. Yes.

21 Q. How?

22 A. I believe it was by e-mail. You sent -- my attorney
23 sent a letter to Scott Kleckner via e-mail and via fax.

24 Q. Let me show you Exhibit 31. Do you recognize it?

25 A. Yes.

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1 A. Since 2005.

2 Q. Were Tom Funk and Scott Kleckner of Aramark at
3 Lincoln Financial Field during the period that Kosher
4 Sports was operating there?

5 MR. MEHLMAN: Objection.

6 THE COURT: I'm getting a little confused now,
7 so can you break this down?

8 MR. TOKAYER: Yes.

9 THE COURT: Were they at -- were they
10 physically at the field or --

11 Q. Were they -- did Tom Funk and Scott Kleckner work for
12 Aramark at Lincoln Financial Field when Kosher Sports
13 operated there?

14 A. Yes.

15 Q. Okay. And then they came to Citi Field sometime
16 later, correct?

17 A. That is correct.

18 Q. Has Aramark requested Kosher Sports sell kosher
19 products at Lincoln Financial Field on Fridays and
20 Saturdays?

21 A. Yes.

22 Q. While Mr. Funk and Mr. Kleckner were stationed there
23 by Aramark?

24 MR. MEHLMAN: Objection. If Mr. Tokayer wants
25 to testify, we can allow him to testify. I can call him

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1 as a witness.

2 THE COURT: Yes. Again --

3 MR. MEHLMAN: This is inappropriate.

4 THE COURT: I don't know how many times I have
5 to tell you not to do this, and when I do tell you,
6 you've already signaled to the witness what his testimony
7 should be. So stop it and stop it now.

8 MR. TOKAYER: Yes, Your Honor.

9 Q. You testified that Aramark requested that Kosher
10 Sports sell kosher products at Lincoln Financial Field on
11 Fridays and Saturdays. Who were the Aramark individuals
12 that were stationed at Lincoln Financial Field at that
13 time?

14 A. Tom Funk and Scott Kleckner.

15 Q. Did either Mr. Funk or Mr. Kleckner raise any
16 credibility or integrity concerns with your operating at
17 Financial -- on Fridays and Saturdays at Lincoln
18 Financial Field?

19 A. No.

20 Q. And Aramark also -- with respect to M&T Bank Field,
21 has Kosher Sports sold there on Fridays and Saturdays?

22 A. Yes.

23 Q. Has Aramark made a request of Kosher Sports in that
24 regard?

25 A. Yes, they have.

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1 Q. What is the most recent time that you received a
2 request from Aramark to operate at M&T Bank Stadium on
3 Fridays and Saturdays?

4 A. The last event that they asked us to be open on
5 Fridays and Saturdays was Memorial Day weekend 2011, so
6 about a month ago.

7 Q. How did Aramark communicate that request to you?

8 A. Via e-mail.

9 Q. I'm going to show you Exhibit 43. Do you recognize
10 it?

11 A. Yes.

12 Q. How do you recognize it?

13 A. It's an e-mail I received on April 15th, 2011 from
14 Aramark at M&T Bank Stadium.

15 MR. TOKAYER: I'd like to move Exhibit 43 into
16 evidence.

17 THE COURT: Any objection?

18 MR. MEHLMAN: No, Your Honor, other than the
19 relevance situation.

20 THE COURT: Received.

21 (Plaintiff's Exhibit No. 43 received into evidence)

22 Q. Mr. Katz, what if anything is the difference between
23 Kosher Sports' relationship with Citi Field on the one
24 hand and Lincoln Financial Field and M&T Bank Stadium in
25 Baltimore on the other?

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1 MR. MEHLMAN: Objection.

2 THE COURT: Sustained.

3 Q. And what is Kosher Sports' relationship to Lincoln
4 Financial Field and M&T Bank Stadium?

5 MR. MEHLMAN: Objection.

6 THE COURT: I'm not sure what you mean by that.
7 Can you --

8 Q. What is your arrangement --

9 THE COURT: Do you have a contractual
10 relationship with respect to those other stadiums?

11 THE WITNESS: Yes, I do, but I only have the
12 contract with Aramark at Lincoln Financial Field and M&T
13 Bank Stadium.

14 Q. So you don't have a contract with the owner-operator
15 ball club at those stadiums, correct?

16 A. That is correct.

17 Q. And how about at Citi Field?

18 A. At Citi Field I have a contract with QBC, the owner-
19 operator of the ballpark, and Aramark.

20 Q. Are you familiar with the Mets A-to-Z Guide?

21 A. Yes.

22 Q. What is the A-to-Z Guide?

23 A. It is an informational guide that is published on the
24 Mets website containing self-defining itself as any
25 question or answer that a fan would want to know about

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1 it, but there was a piece of their statement that I
2 didn't agree with.

3 Q. Let me see if I can refresh your recollection.

4 A. Thank you.

5 Q. If you'd look at Exhibit 29. The bottom e-mail is
6 from you to Mr. Schwartz; correct? Dated August 14, 2010
7 at 10:22 p.m.

8 A. Correct.

9 Q. And you're providing them with an article by a Janon
10 Fischer (ph)?

11 A. Yes.

12 Q. Okay. Is that the article that you saw?

13 A. Yes.

14 Q. If you recall that you saw where the Mets were quoted
15 as saying that it was Aramark not the Mets who were not
16 letting Kosher Sports operate on Friday and Saturday;
17 correct?

18 A. Correct.

19 Q. Okay. And you didn't agree with that part of the
20 article that said that Aramark had refused to allow
21 Kosher Sports to operate on Friday and Saturday; right?

22 MR. MEHLMAN: Objection, leading the witness,
23 misstating the response to the question, your Honor.

24 THE COURT: I don't think he did respond, but I
25 already said once that you're not to lead this witness.

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1 Q. Which part of that article did you not agree with?

2 Now that you have it front of you.

3 A. The part where it says Aramark has refused to supply
4 the kosher vendor with carts for Fridays and Saturdays,
5 the Mets said.

6 Q. Thank you. Which paragraph was this, on the second
7 page?

8 A. Yes.

9 Q. You thought that wasn't true; correct?

10 A. I don't ever remember having dialogue around
11 supplying carts.

12 Q. In fact when you first read this article you thought
13 that the Mets were throwing Aramark under the bus, do you
14 recall telling me that at your deposition?

15 MR. MEHLMAN: Objection.

16 THE COURT: Overruled. Did you say that at
17 your deposition?

18 THE WITNESS: I did.

19 Q. And you forwarded this article to the Mets; correct?
20 And to Paul Schwartz in particular with a copy to -- I'm
21 sorry -- to Paul Schwartz in particular; correct?

22 A. Correct.

23 Q. Did Clint Eastwood agree with your assessment --

24 THE COURT: What's --

25 A. I don't know what Clint Eastwood agreed to.

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1 Q. Did Clint Westbrook agree with your assessment that
2 the Mets had thrown Aramark under the bus?

3 A. I believe he did.

4 Q. Let me show you Exhibit 28. It's an e-mail from
5 Westbrook to Mr. Wiegert dated August 14, 2010. Do you
6 see that?

7 A. I do.

8 Q. Is it the ordinary course of Aramark's business to
9 send e-mails back and forth internally?

10 MR. MEHLMAN: Objection.

11 THE COURT: I'll allow it.

12 THE WITNESS: I'm sorry?

13 MR. TOKAYER: You may answer the question.

14 THE WITNESS: So is Aramark allowed to send e-
15 mails to and from each other internally?

16 MR. TOKAYER: Yes.

17 THE WITNESS: Yes, we are.

18 Q. And is that the ordinary course of Aramark's
19 business?

20 MR. MEHLMAN: Objection.

21 MR. TOKAYER: To send such e-mails.

22 THE COURT: I'll allow the question.

23 THE WITNESS: We do send e-mails back and
24 forth, yes.

25 Q. And do the e-mails that are sent back and forth